



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JAN - 5 2004

Paper No. 8

In re Application of
George V. Paul *et al*
Application No. 09/896,150
Filed: June 29, 2001
Attorney Docket No. CYB-07003/03

: DECISION ON PETITION

:

This is a decision on the petition filed on December 4, 2003 by which petitioners request withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the Office action dated March 20, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that this application is not abandoned because a timely and proper reply to the Office letter in question was in fact filed on August 20, 2003, a date within the time set by the Office letter in question for filing a reply thereto as extended by two months. In support of this allegation, petitioners have supplied a copy of an amendment, a copy of a post card receipt showing that an amendment, a copy of a transmittal letter for the amendment which includes a request for any necessary extension of time, and an authorization to charge counsel's deposit account for the extension fee, were in fact filed in the Office on August 20, 2003. Office financial records confirm that the extension fee was received on August 20, 2003.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on August 20, 2003.

PETITION GRANTED.

E. Rollins-Cross, Director
Technology Center 3700

Gifford, Krass, Groh *et al*
280 N. Old Woodward Ave.
Suite 400
Birmingham, MI 48009